

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 \* \* \*

4 Roberto A. Pintado,

5 Plaintiff,

6 v.

7 Housing Authority of the City of Los Angeles,

8 Defendant.  
9

Case No. 2:22-cv-00677-APG-BNW

**ORDER**

10 *Pro se* Plaintiff Robert Pintado brings this lawsuit and moves to proceed *in forma*  
11 *pauperis* (IFP). See ECF No. 1. Plaintiff submitted the affidavit required by 28 U.S.C. § 1915(a)  
12 showing an inability to prepay fees or costs or give security for them. Accordingly, the Court will  
13 grant his request to proceed *in forma pauperis*. The Court now screens Plaintiff's complaint (ECF  
14 No. 1-1).

15 **I. ANALYSIS**

16 **A. Screening Standard**

17 Upon granting a request to proceed *in forma pauperis*, a court must screen the complaint  
18 under 28 U.S.C. § 1915(e)(2). In screening the complaint, a court must identify cognizable claims  
19 and dismiss claims that are frivolous, malicious, fail to state a claim on which relief may be  
20 granted, or seek monetary relief from a defendant who is immune from such relief. 28 U.S.C.  
21 § 1915(e)(2). Dismissal for failure to state a claim under § 1915(e)(2) incorporates the standard  
22 for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6). *Watison v. Carter*, 668  
23 F.3d 1108, 1112 (9th Cir. 2012). To survive § 1915 review, a complaint must "contain sufficient  
24 factual matter, accepted as true, to state a claim to relief that is plausible on its face." See *Ashcroft*  
25 *v. Iqbal*, 556 U.S. 662, 678 (2009). The court liberally construes *pro se* complaints and may only  
26 dismiss them "if it appears beyond doubt that the plaintiff can prove no set of facts in support of  
27 his claim which would entitle him to relief." *Nordstrom v. Ryan*, 762 F.3d 903, 908 (9th Cir.  
28 2014) (quoting *Iqbal*, 556 U.S. at 678).

1 In considering whether the complaint is sufficient to state a claim, all allegations of  
2 material fact are taken as true and construed in the light most favorable to the plaintiff. *Wylar*  
3 *Summit P'ship v. Turner Broad. Sys. Inc.*, 135 F.3d 658, 661 (9th Cir. 1998) (citation omitted).  
4 Although the standard under Rule 12(b)(6) does not require detailed factual allegations, a plaintiff  
5 must provide more than mere labels and conclusions. *Bell Atlantic Corp. v. Twombly*, 550 U.S.  
6 544, 555 (2007). A formulaic recitation of the elements of a cause of action is insufficient. *Id.*  
7 Unless it is clear the complaint's deficiencies could not be cured through amendment, a *pro se*  
8 plaintiff should be given leave to amend the complaint with notice regarding the complaint's  
9 deficiencies. *Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir. 1995).

10 **B. Screening the Complaint**

11 Plaintiff's complaint is essentially void of any factual allegations. *See* ECF No. 1-1. He  
12 alleges that his rights are being taken away but does not specify what rights are being taken, how  
13 they are being taken away, or who is taking them away. *See id.* Even liberally construing  
14 Plaintiff's complaint, it does not state sufficient factual allegations about the underlying dispute  
15 and the defendant's role in the matter to state a claim.

16 If Plaintiff chooses to file an amended complaint, the document must be titled "Amended  
17 Complaint." The amended complaint must contain a short and plain statement of the grounds for  
18 the Court's jurisdiction. *See* Fed. R. Civ. P. 8(a)(1). Additionally, the amended complaint must  
19 contain a short and plain statement describing the underlying case and the defendant's  
20 involvement in the case. *See* Fed. R. Civ. P. 8(a)(2). Although the Federal Rules of Civil  
21 Procedure adopt a flexible pleading standard, Plaintiff still must give each defendant fair notice of  
22 his claims against it and of Plaintiff's entitlement to relief.

23 Additionally, Plaintiff is advised that if he files an amended complaint, the original  
24 complaint (ECF No. 1-1) no longer serves any function in this case. As such, the amended  
25 complaint must be complete in and of itself without reference to prior pleadings or other  
26 documents. The Court cannot refer to a prior pleading or other documents to make Plaintiff's  
27 amended complaint complete.

1 **II. CONCLUSION**

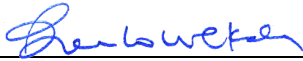
2 **IT IS THEREFORE ORDERED** that Plaintiff's application to proceed *in forma*  
3 *pauperis* (ECF No. 1) is GRANTED.

4 **IT IS FURTHER ORDERED** that the Clerk of Court must detach and separately file  
5 Plaintiff's complaint (ECF No. 1-1).

6 **IT FURTHER ORDERED** that Plaintiff's complaint is dismissed without prejudice.

7 **IT IS FURTHER ORDERED** that if Plaintiff wishes to file an amended complaint, he  
8 must do so by May 27, 2022. Failure to comply with this order will result in a recommendation  
9 that this case be dismissed.

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11 DATED: April 26, 2022.

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14 BRENDA WEKSLER  
15 UNITED STATES MAGISTRATE JUDGE  
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